

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

VICTOR ANDREWS, on behalf of himself
and all others similarly situated,

Plaintiff,

– against –

BLICK ART MATERIALS, LLC,

Defendant.

MEMORANDUM AND ORDER ON THE
PARTIES' PROPOSED ENTRY OF
JUDGMENT

17-CV-767

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ SEP 13 2017 ★

BROOKLYN CLERK

JACK B. WEINSTEIN, Senior United States District Judge:

The court has the parties' joint motion for entry of judgment based upon a proposed judgment settling the case. *See* ECF No. 31.

Because this is a putative class action and may affect many persons, as well as set important precedents, a hearing on fairness and reasonableness is ordered. *See* David Herr, Annotated Manual for Complex Litigation § 21.612, p. 505 (4th ed. 2013) (“[A]lthough Rule 23(e) no longer requires court approval of a settlement or voluntary dismissal of individual claims as long as the settlement does not bind the class . . . [u]se of the court’s supervisory authority to police the conduct of proposed class actions under Rule 23(d) may be appropriate.”); *cf.* Fed. R. Civ. P. 23(e) (2003) (changing rule to only require court approval of settlements of claims of a *certified* class).

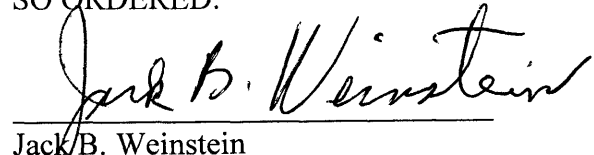
The hearing shall be held in Courtroom 10B South on October 5, 2017 at 10:30 a.m. The named plaintiff and a representative with knowledge for defendant shall be present with counsel.

The court is particularly interested in a number of aspects of the proposed settlement:

- Why will it take two years to go into effect? Is a shorter time period desirable or possible?
- How will the defendants' websites technically operate once they comply with the "Web Content Accessibility Guidelines (WCAG) 2.0 Level AA?"
- The court would find useful a demonstration of the technology proposed to be implemented (assuming there is no action by the Department of Justice or substantial changes in technology while the proposed changes are being implemented).

The court will not be in a position to determine the appropriateness of the "WCAG 2.0 Level AA Guidelines" until it understands them.

SO ORDERED.

A handwritten signature in black ink, reading "Jack B. Weinstein". The signature is written in a cursive, flowing style. It is positioned above a horizontal line.

Jack/B. Weinstein
Senior United States District Judge

Date: September 11, 2017
Brooklyn, New York